



County of Fairfax, Virginia

October 29, 2014

STAFF REPORT

SPECIAL PERMIT AMENDMENT SPA 2009-MA-029

MASON

APPLICANT: Karina Moscoso
DBA Karina's Daycare

OWNERS: Karina Moscoso
Oscar Michel
Cristian Michel

SUBDIVISION: Edsall Park

STREET ADDRESS: 6708 Edsall Road, Springfield, 22151

TAX MAP REFERENCE: 71-4 ((5)) (18) 7

LOT SIZE: 15,222 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-305

SPECIAL PERMIT PROPOSAL: To amend SP 2009-MA-029 previously approved for a home child care facility to permit an increase in the number of children.

STAFF RECOMMENDATION: Staff recommends approval of SPA 2009-MA-029 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and

recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**

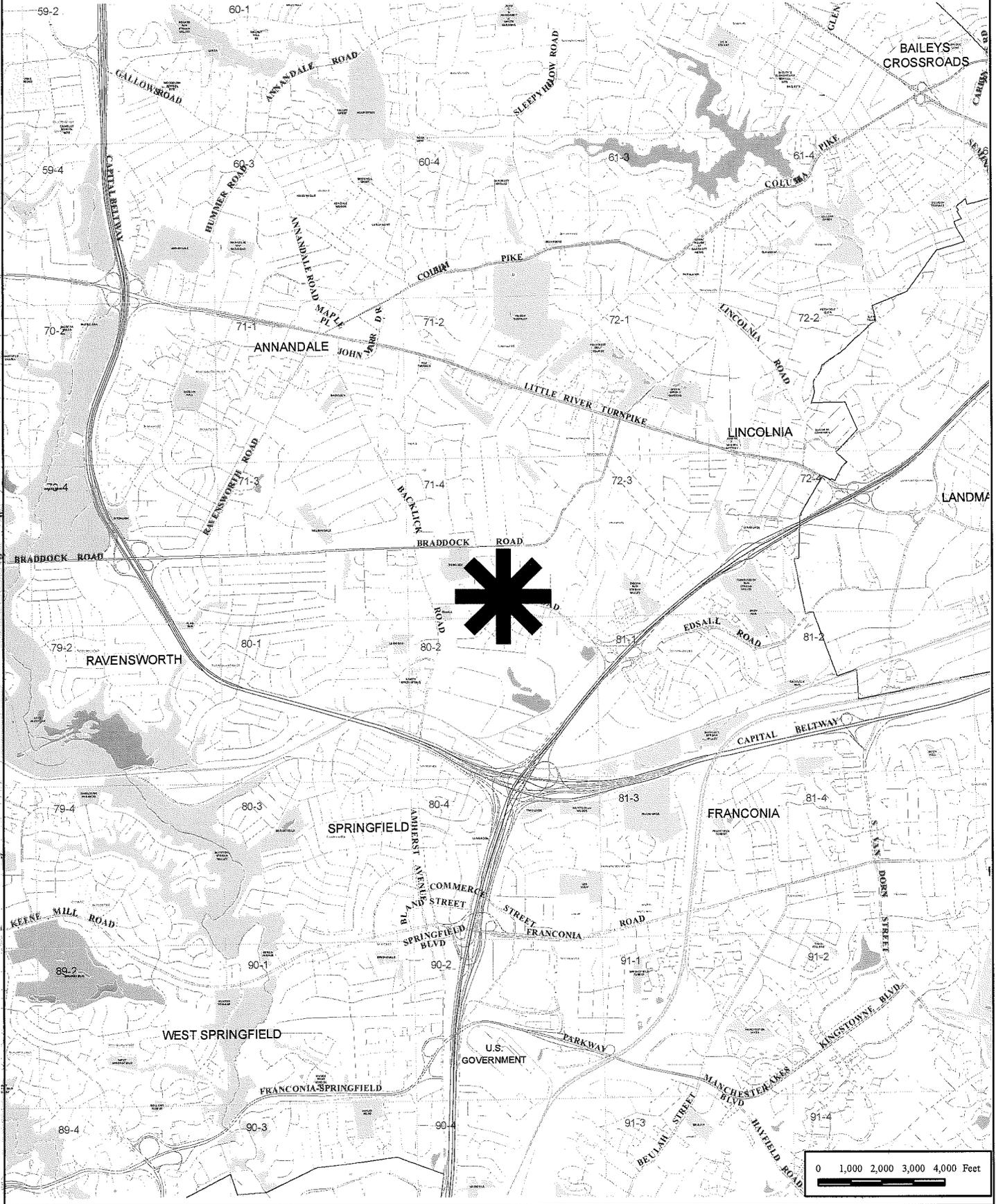


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit Amendment

SPA 2009-MA-029

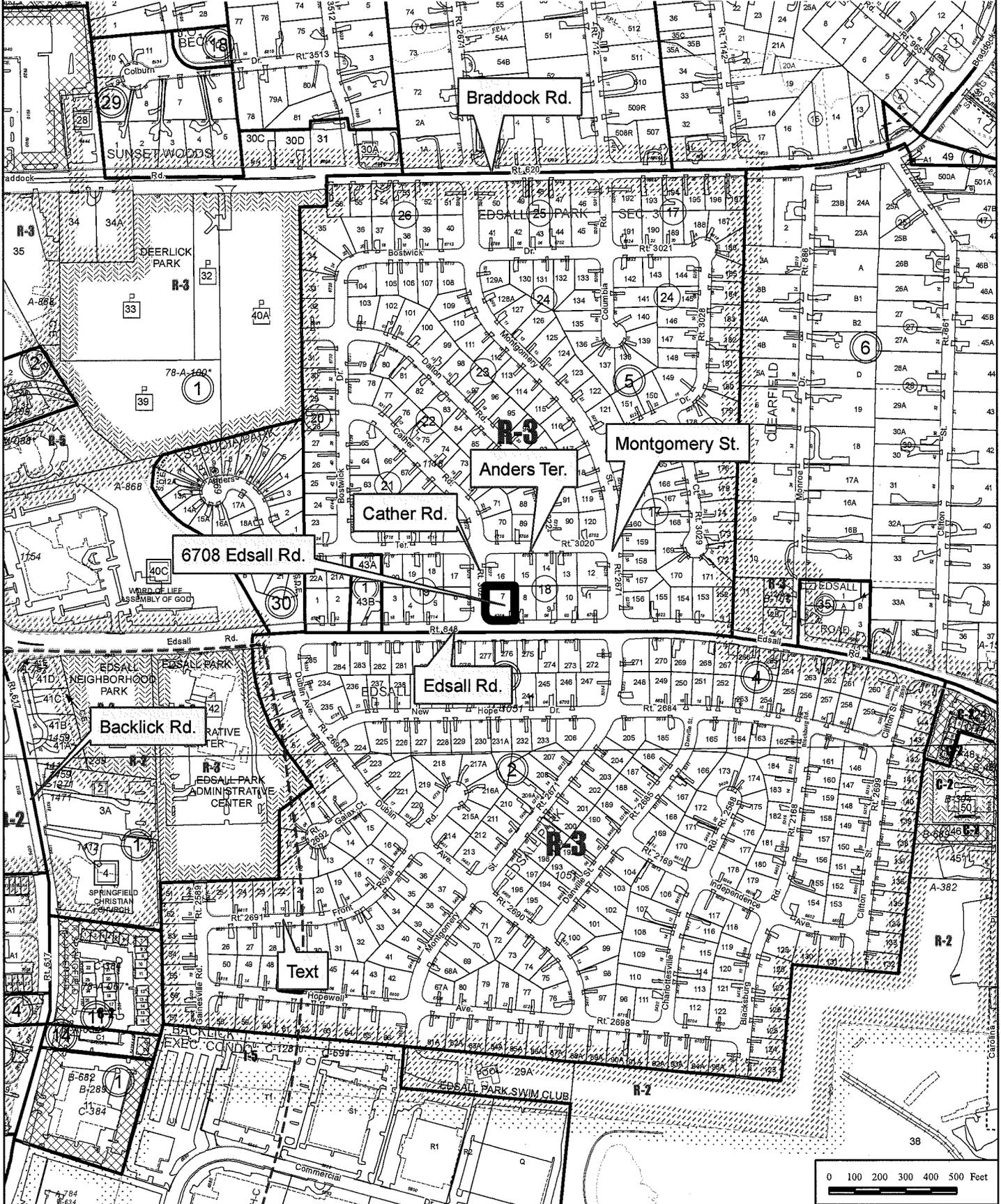
KARINA MOSCOSO / KARINA'S DAYCARE



Special Permit Amendment

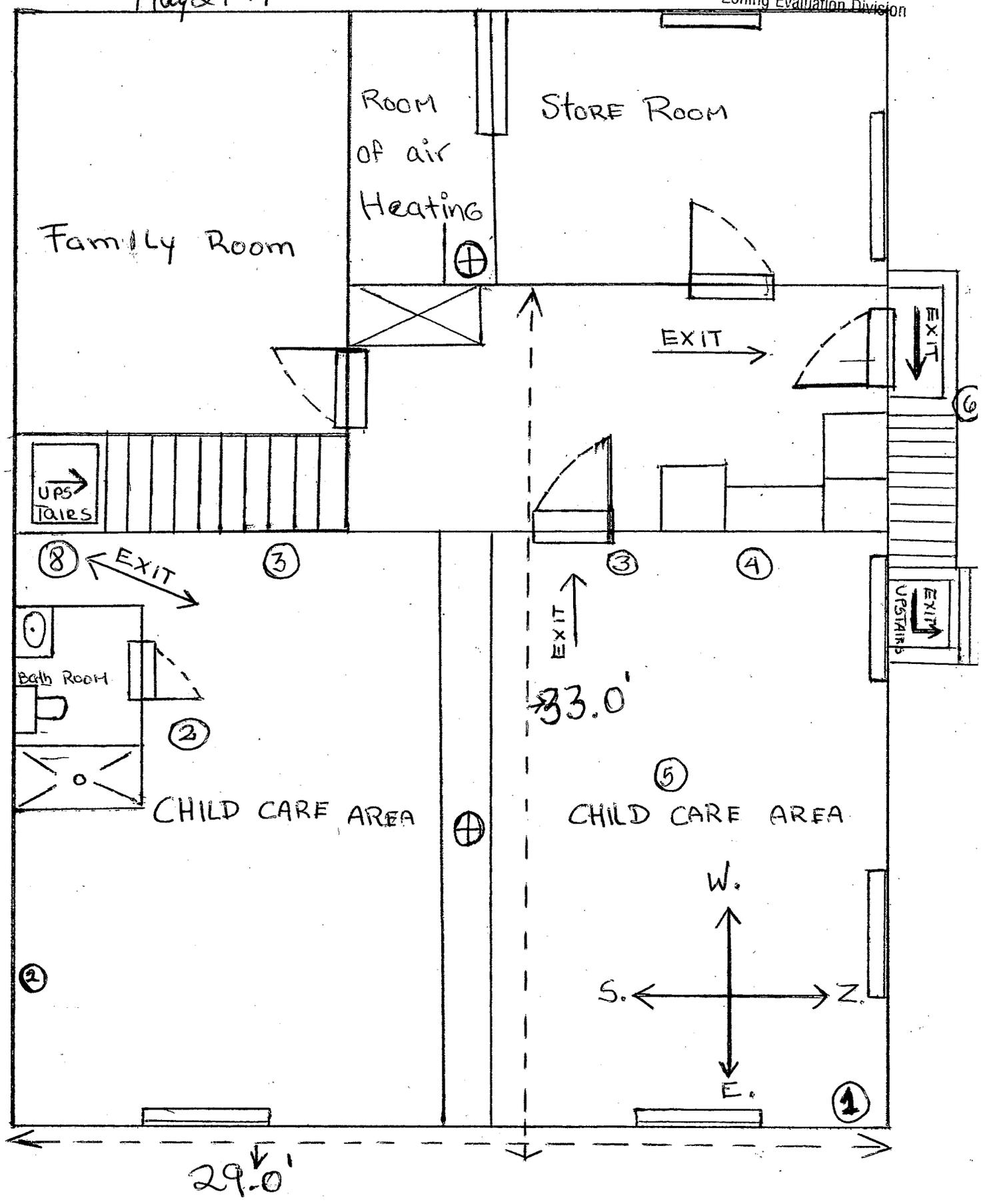
SPA 2009-MA-029

KARINA MOSCOSO / KARINA'S DAYCARE



Karina Moscoso
5708 Edsall Rd.
Springfield VA 22151
03/642-5033
Floor Plan drawn
CHILD Care facility
May 29-14. Basement

RECEIVED
Department of Planning & Zoning
MAY 30 2014
Zoning Evaluation Division

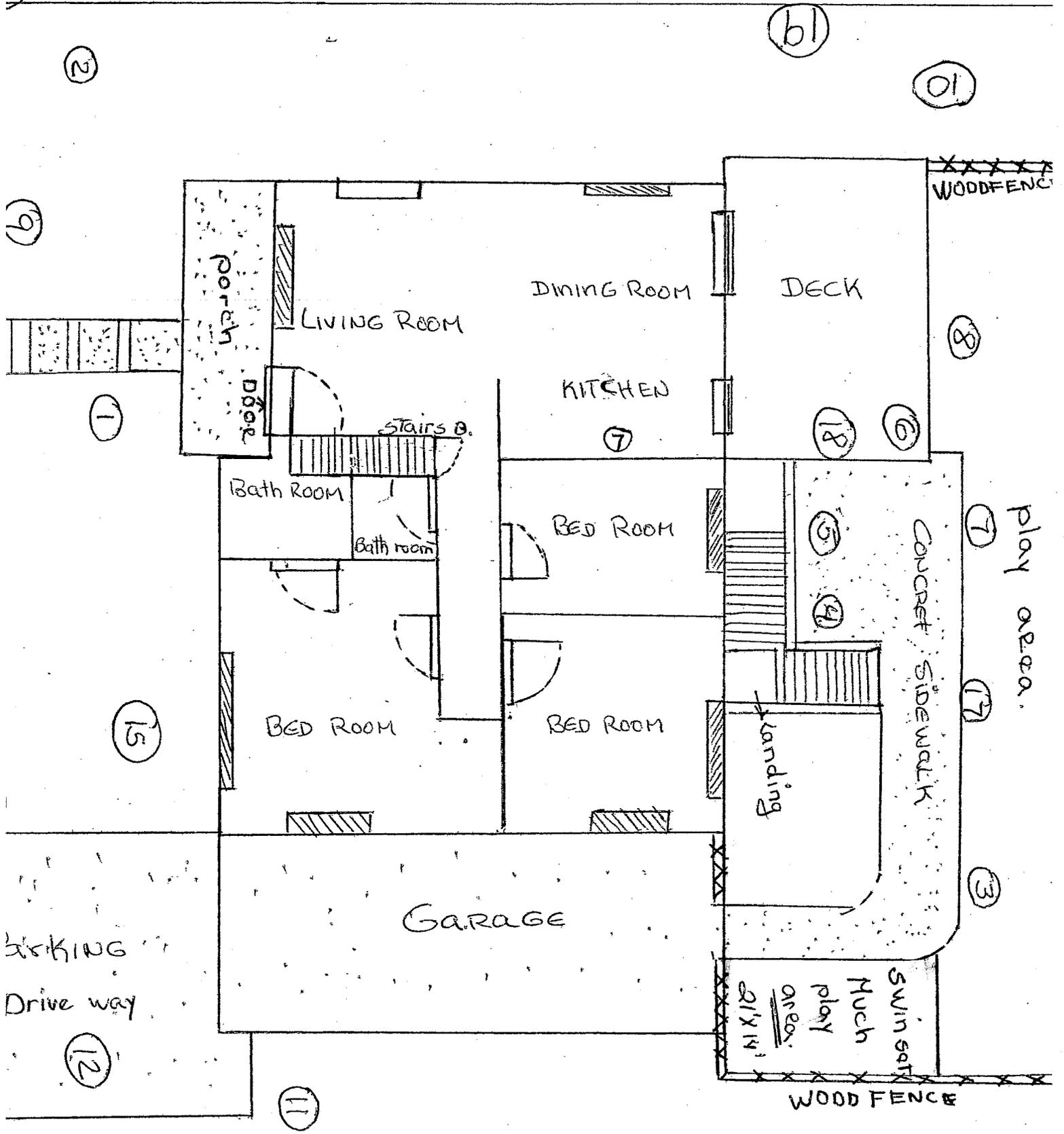


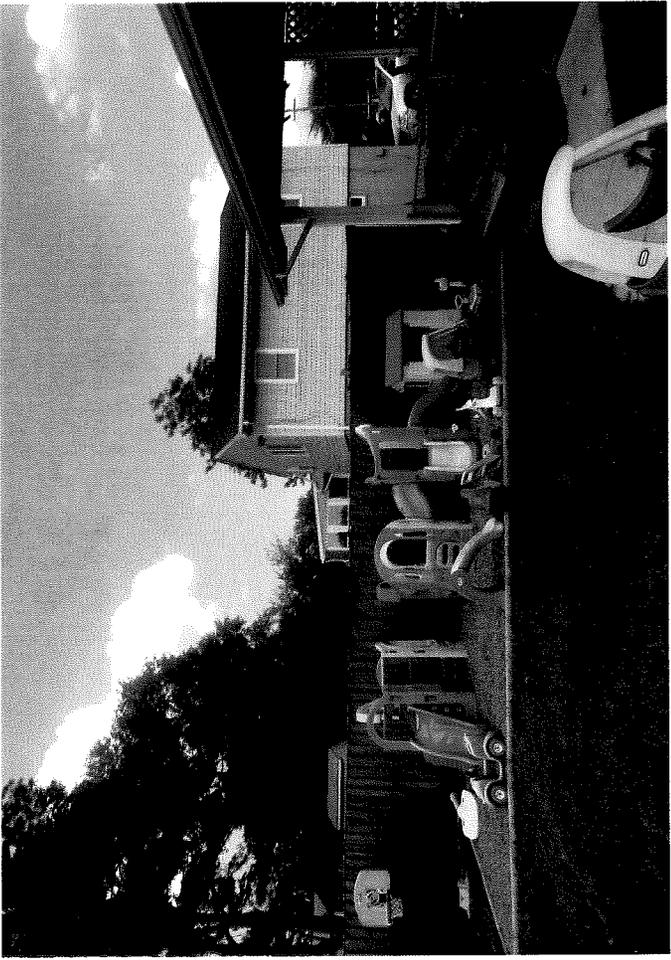
Karina Moscoso
6708 Edson Rd.
Springfield VA 22151
(703) 642-5033
May 29-14

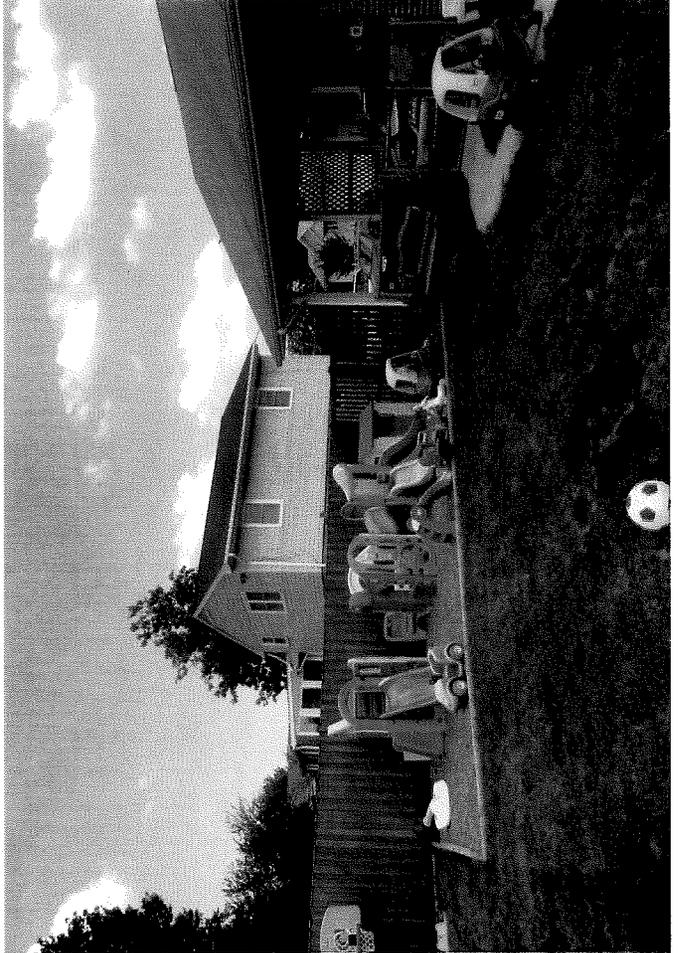
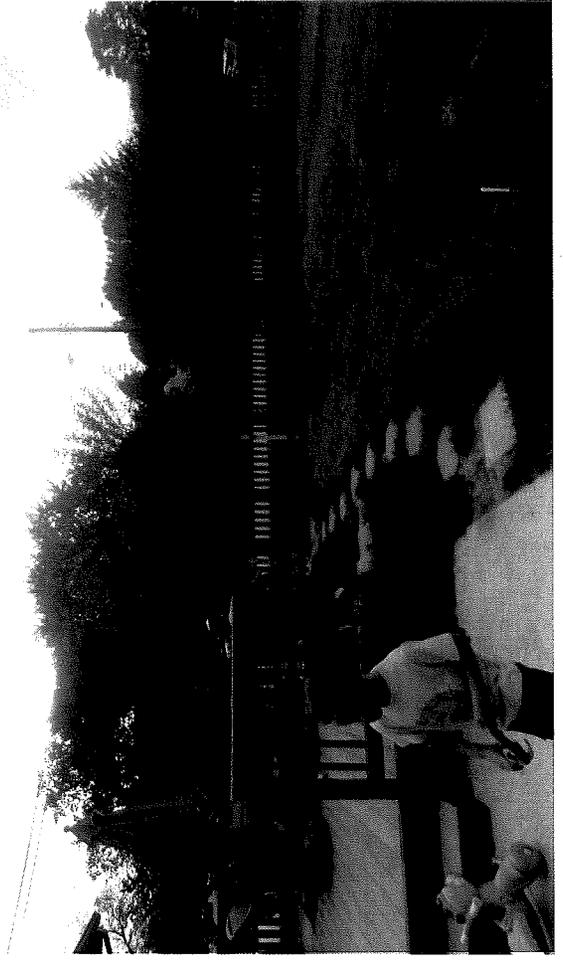
First floor Plan

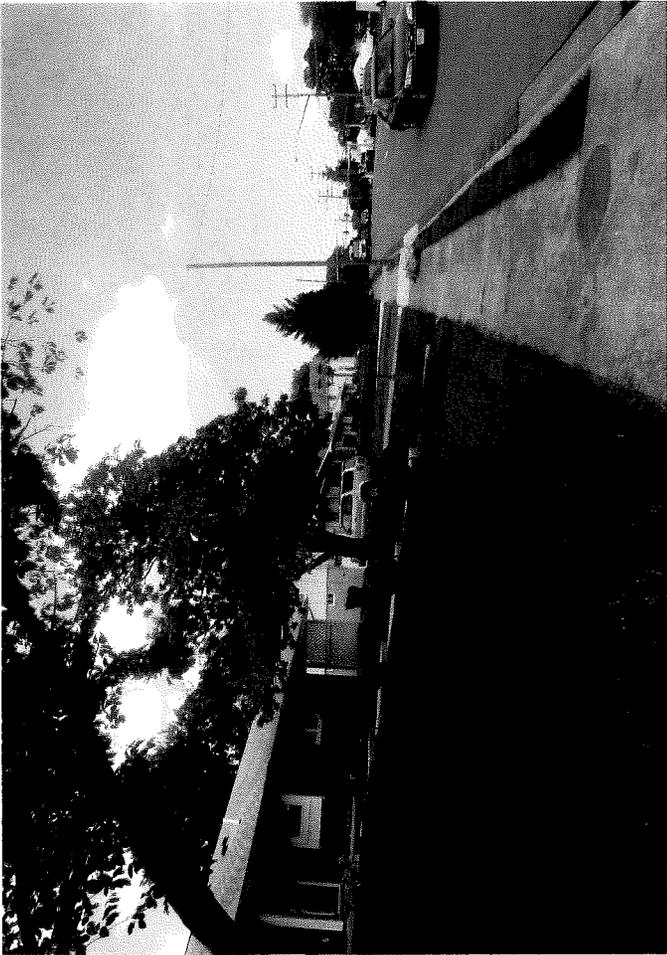
RECEIVED
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MAY 30 2014
Zoning Evaluation Division

Cather road

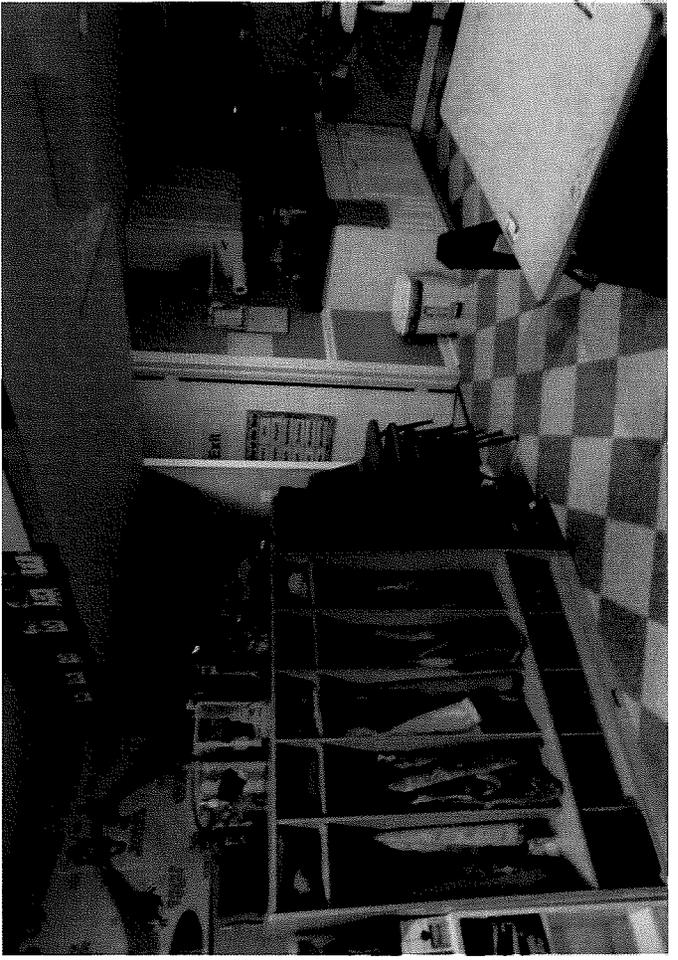




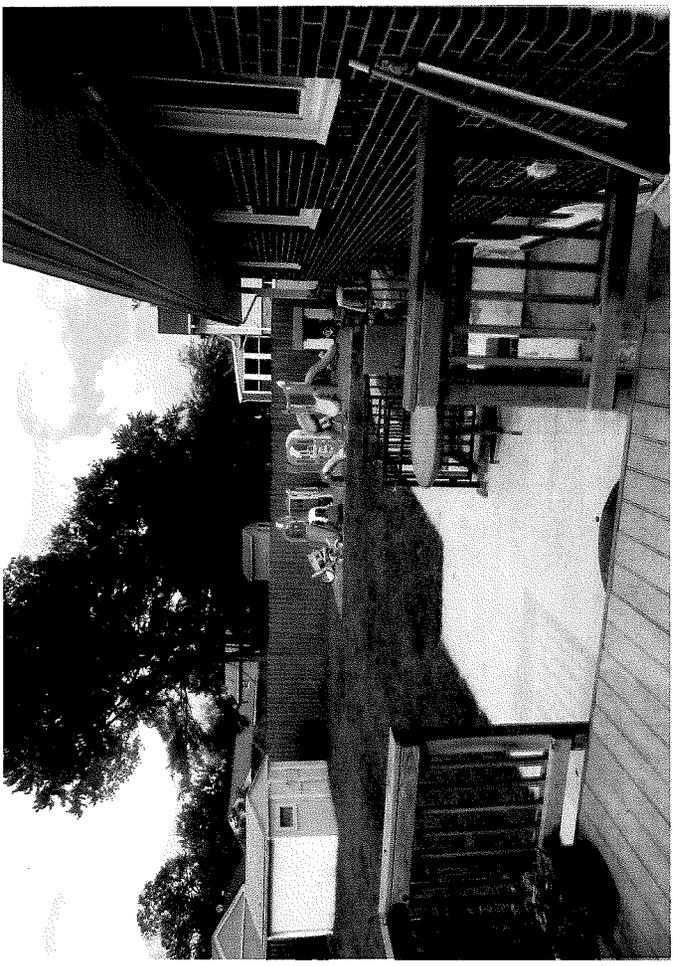
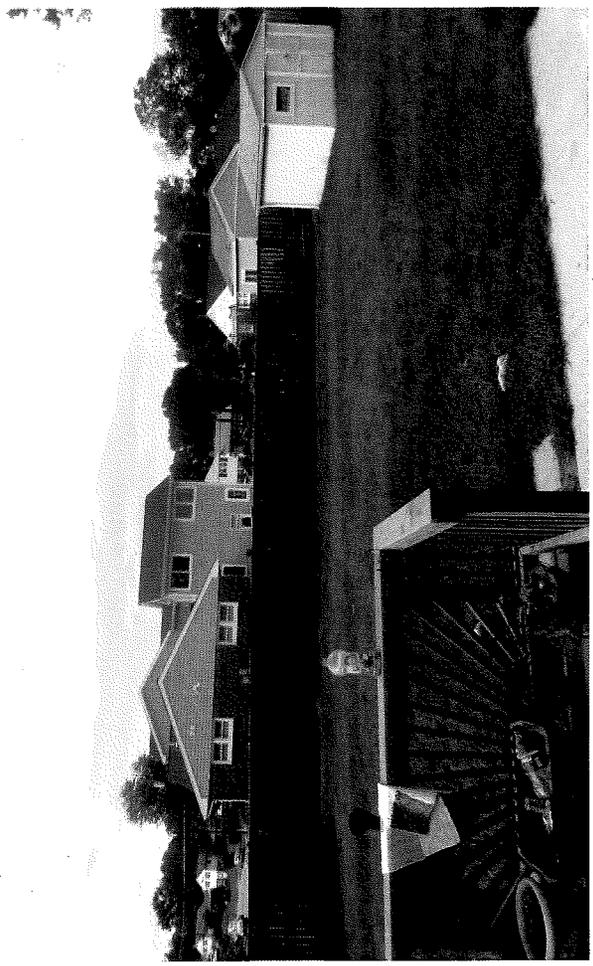
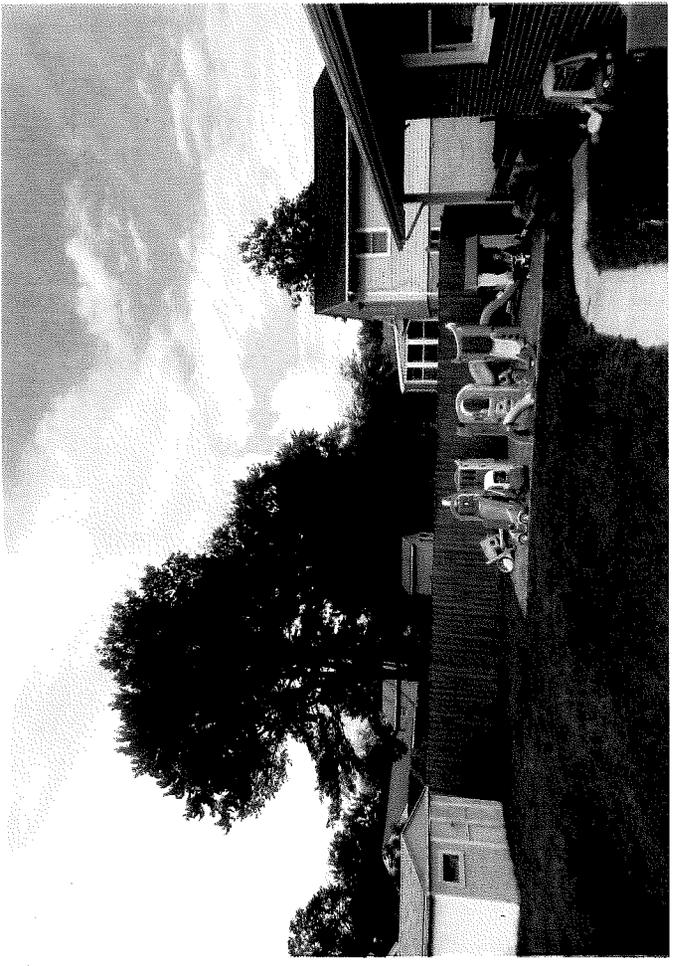


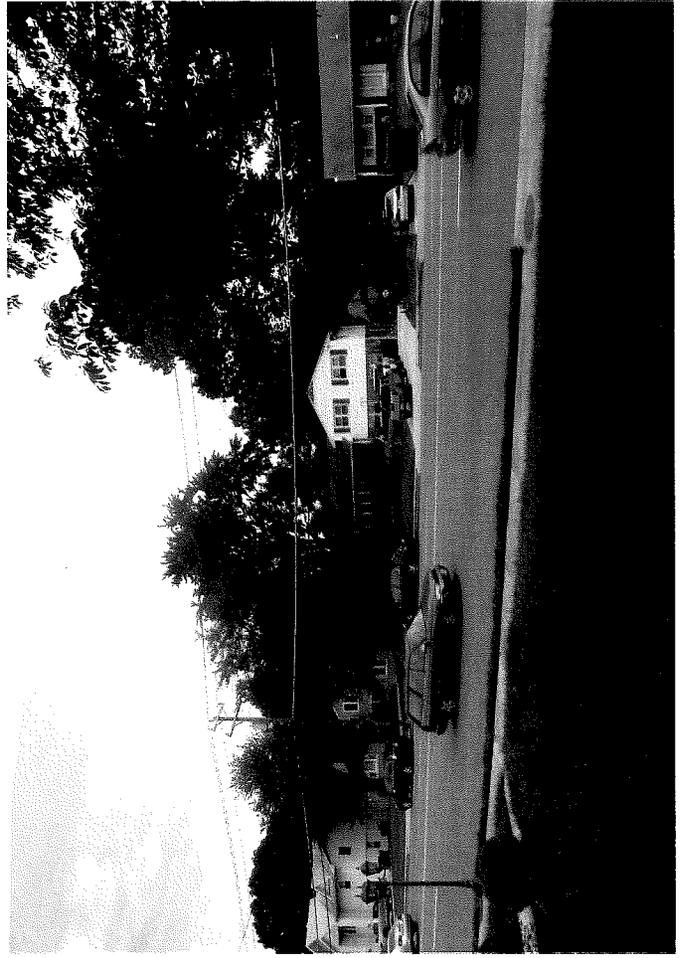
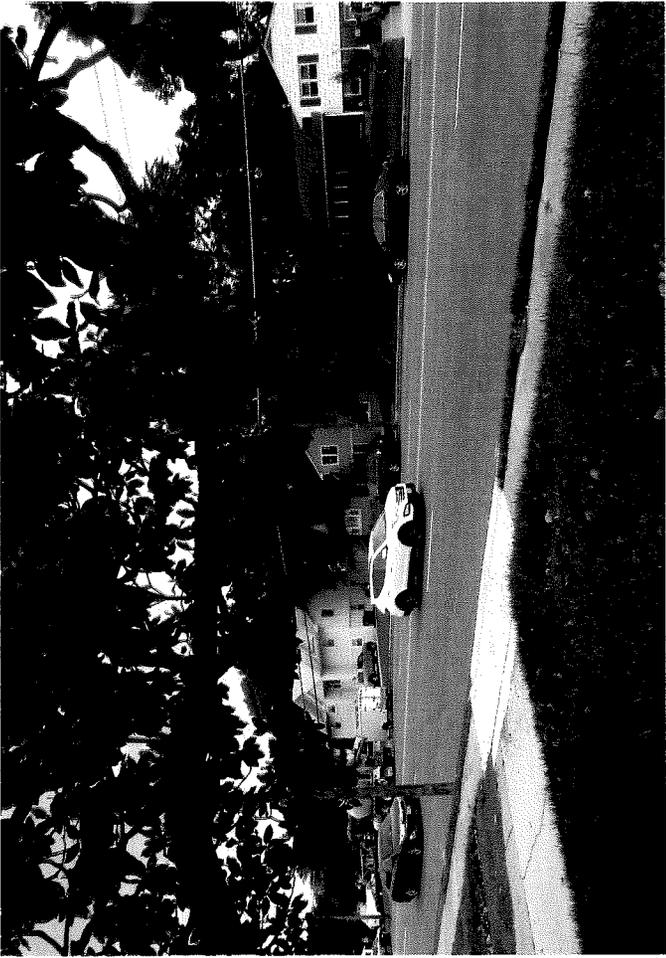




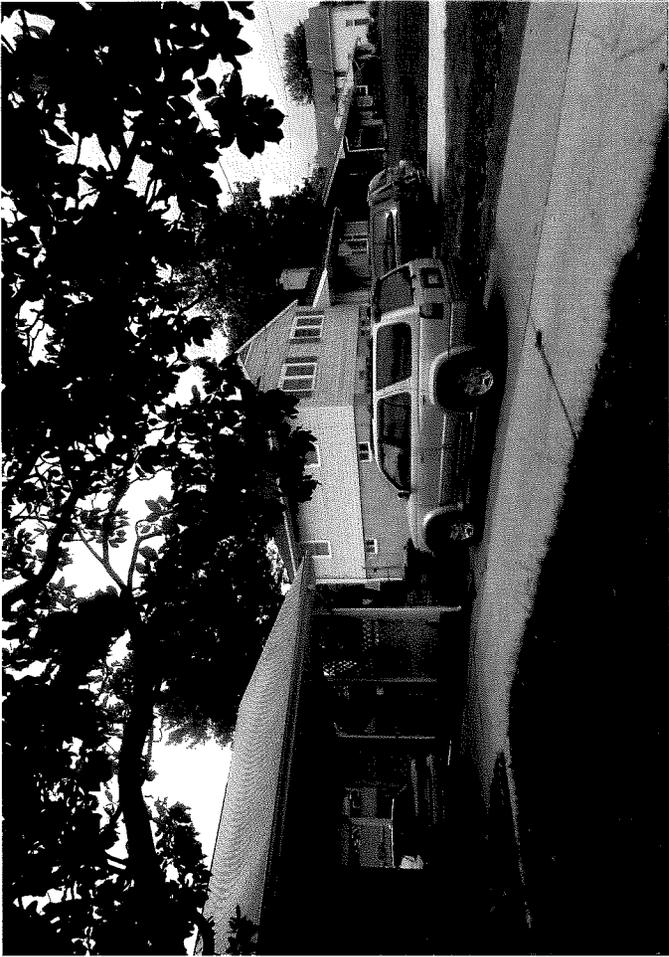
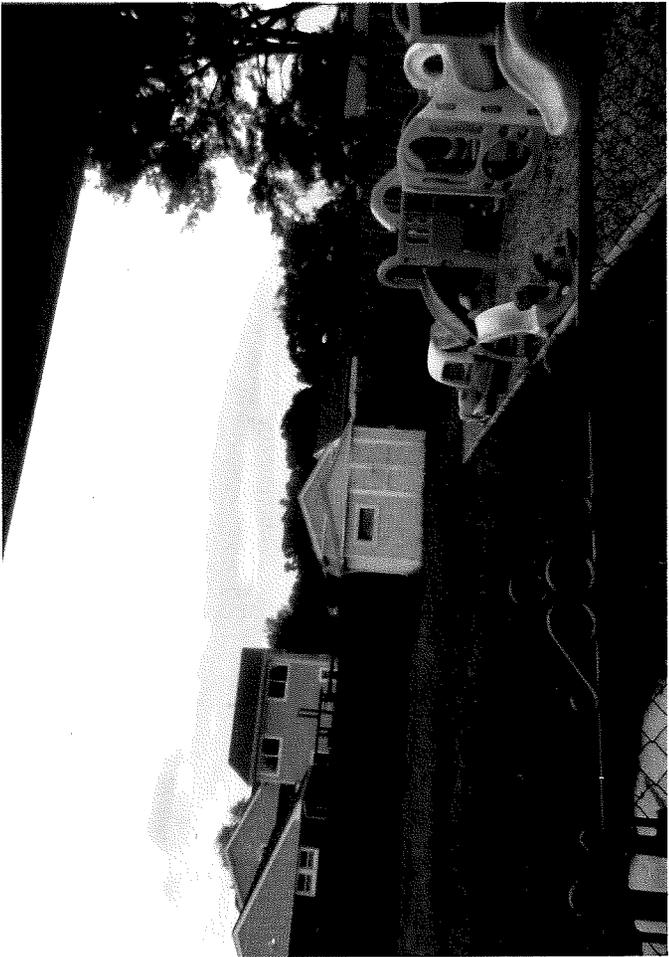












SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit amendment for a home child care facility previously approved for 10 children to increase to 12 children at any one time within an existing dwelling.

A copy of the plat titled "Special Exception Plat, Lot 7, Block 18, Section Three, Edsall Park" prepared by William E. Ramsey, L.S., dated April 2, 2009, as revised through May 28, 2014 by Karina Moscoso, is included at the front of this report.

A detailed discussion of the request is included on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 15,222 square foot lot contains a one-story brick single family dwelling. A front porch serves as the main entryway to the dwelling, and a concrete walkway connects this entrance to the concrete driveway. The driveway fronts Edsall Road and accesses an open carport. Accessory structures are located in the rear yard, including a deck 1.8 ft. high and a shed 8.0 ft. in height. The yard is enclosed by a wooden fence that measures 4 ft. in height along Cather Road and 6 ft. in height around the remainder of the property. The property has a mature lawn and decorative vegetation.

The zoning and land uses surrounding the subject property are as follows:

	Zoning	Use
North	R-3	Single Family Detached Dwelling
East	R-3	Single Family Detached Dwelling
South	R-3	Single Family Detached Dwelling
West	R-3	Single Family Detached Dwelling



Figure 1: Lot location

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1958 and purchase by the applicant in 2004.

No building permits were found for the deck located in the rear yard.

The previous Special Permit was approved for a home child care facility on July 8, 2009; the resolution and approved conditions for this permit are contained in Appendix 4.

Records indicate that no other special permit or variance applications relating to a home child care have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

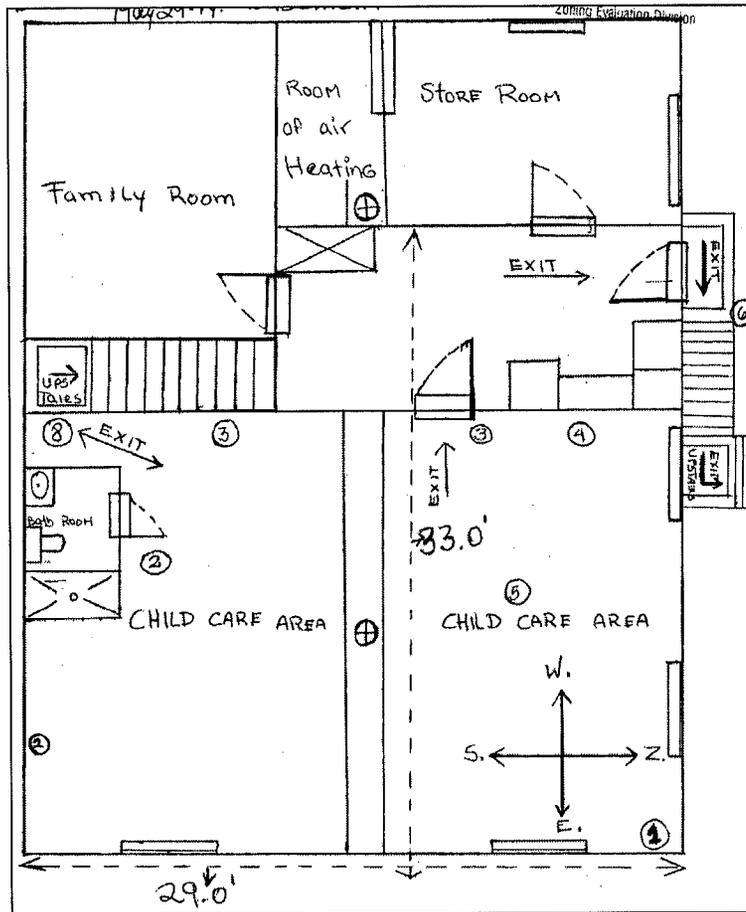
DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit amendment for a home child care facility to increase from 10 to up to 12 children at any one time, to operate between the hours of 6:00 a.m. and 6:30 p.m., Monday through Friday. Drop-off of children is to be staggered between 6:00 a.m. and 10:30 a.m. with pick-up between 2:45 p.m. and 6:30 p.m. Employees include the applicant and one assistant at any one time. The assistant takes the bus to the home child care facility.

The applicant holds a current Family Day Home License, effective through July 6, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of 10 children, ages 4 months through 8 years of age. A copy of the license is included as Appendix 5.

The home child care facility is operated in the basement of the dwelling. Below is a picture of the floor plans of the child care area, including two child care areas and a family room. The sleeping area takes place in one of the child care areas.

A wood fence encloses the rear yard and serves as the outdoor play area. The children do not use the deck in the rear yard. Pictures provided by the applicant show toys and movable play equipment located in this area.



ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Annandale District
Planning Sector: Edsall Community Planning Sector (A4)
Plan Map: Residential use at 2-3 dwelling units per acre (du/ac)

Zoning Ordinance Requirements

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-303* All Group 3 Uses
- *Sect. 8-305* Additional Standards for Home Child Care Facilities
- *Sect. 10-103* Par. 6 Location Regulations

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included in Appendix 6. Subject to the development conditions, the special permit must meet these standards.

On-Site Parking and Site Circulation

As the application property fronts Edsall Road, Fairfax County Department of Transportation recommends that all parents dropping off and picking up children from the home child care utilize the on-street parking along Cather Road. A stone pathway provides access from the sidewalk to the main basement entrance of the home child care. Staff believes sufficient parking exists along Cather Road, and a development condition has been included to address this.

Emergency Egress for Nap Area

During a Zoning Inspections Branch initial inspection, staff found that adequate emergency egress was not provided for the room utilized as a sleeping area. It was determined by Code Enforcement that by removing the door and providing uninterrupted access to the door providing emergency egress will qualify as proper egress for this sleeping area. A development condition has been included to require this emergency egress.

CONCLUSION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

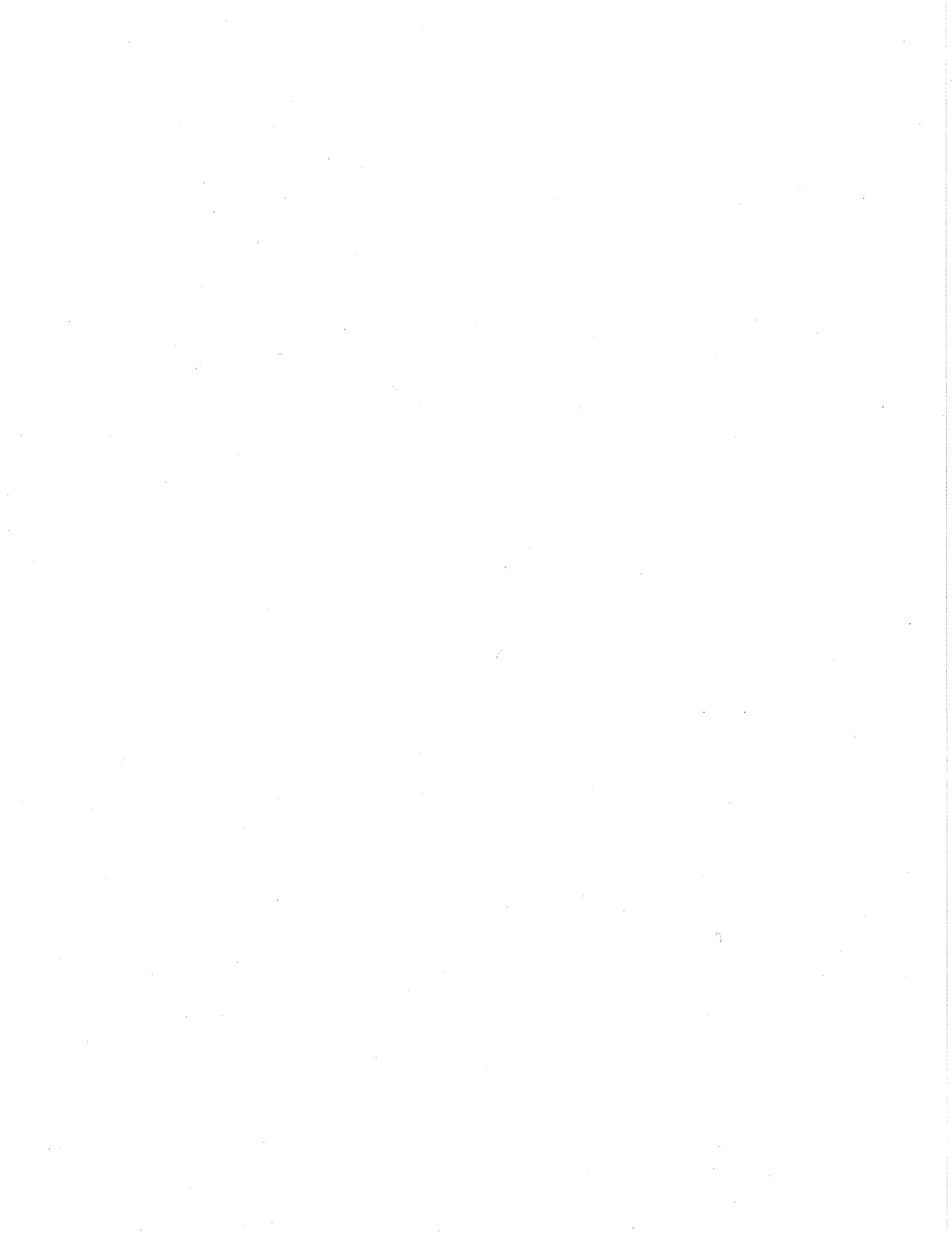
Staff recommends approval of SPA 2009-MA-029, subject to the Proposed Development Conditions dated October 29, 2014.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Previous Special Permit Resolution and Conditions
5. Zoning Inspection Memorandum
6. Virginia State License
7. Applicable Zoning Ordinance Provisions



PROPOSED DEVELOPMENT CONDITIONS**SPA 2009-MA-029****October 29, 2014**

If it is the intent of the Board of Zoning Appeals to approve SPA 2009-MA-029 located at Tax Map 71-4 ((5)) (18) 7 for a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Previous conditions that area carried forward are marked with an asterisk.

1. This approval is granted to the applicant, Karina Moscoso / Karina's Daycare only and is not transferable without further action of the Board, and is for the location indicated on the application, 6708 Edsall Road., and is not transferable to other land.*
2. This special permit is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Permit (SP) plat titled "Special Exception Plat, Lot 7, Block 18, Section Three, Edsall Park" prepared by William E. Ramsey, L.S., dated April 2, 2009, as revised through May 28, 2014 by Karina Moscoso, and approved with this application, as qualified by these development conditions.*
3. A copy of this Special Permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.*
4. The maximum hours of operation of the home child care facility shall be limited to 6:00 a.m. to 6:30 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The number of non-resident assistants shall be limited to two.
7. All pick-up and drop-off of children shall take place in along Cather Road. No pick-up or drop-off activities shall occur in the driveway fronting Edsall Road.
8. The dwelling that contains the child care facility shall be the primary residence of the applicant.*
9. There shall be no signage associated with the home child care facility.*
10. All applicable permits and inspections shall be obtained prior to establishment of the use, to be demonstrated to the satisfaction of the Zoning Administration Division, including any electrical or plumbing inspections as may be required.

11. The applicant shall ensure adequate emergency egress is provided throughout the duration of the home child care. The applicant shall not replace the door interrupting access to the basement.

***Indicates previously adopted conditions**

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 6 months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): _____ (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 23, 2014
(enter date affidavit is notarized)

I, Karina Mascoso, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

125657

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Karina Mascoso	6708 Edsall Rd. Springfield VA 22151	Applicant/owner
Cristian Michel	6708 Edsall Rd Springfield VA 22151	Son/owner
Oscar Michel Michel	6708 EDSELL ROAD, Springfield, VA	Son/owner 22151

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Jem

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 23, 2014
(enter date affidavit is notarized)

125659

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

n/a

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

n/a

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 23, 2014
(enter date affidavit is notarized)

125657

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

n/a

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

n/a

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

122659

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 23 2014
(enter date affidavit is notarized)

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

"NONE"

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 23 2014
(enter date affidavit is notarized)

125657

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

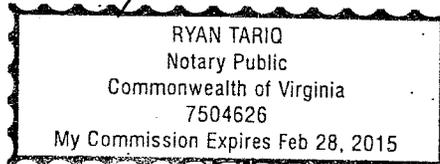
[Signature]
 Applicant Applicant's Authorized Agent

Karina Moscoso
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 23rd day of June 2014, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: Feb 28 2015

Notary Public



JEM

STATEMENT OF JUSTIFICATION FOR A HOME CHILD CARE FACILITY

Karina Moscoso
6708 Edsall Road

Springfield, VA 22151

(703) 642-5033

Kmrosas69@hotmail.com

May 29, 2014

Fairfax County Department of Planning & Zoning

Zoning Evaluation Division

12055 Government Center Parkway, Suite 801

Fairfax, VA 22035

Re: Special Permit Application

Applicant: Karina Moscoso

Zoning Ordinance Section 8-305 for Home Child Care Facility

Section 8-004 of General Standards

Tax Map#: 0714 05180007

Zoning District: MASON Tax District 50000

Lot Size: 15,222 (SQFT) LOT #7

To Whom It May Concern,

Please Accept the Following as my Statement of Justification for a Special Permit for a Home Child Care Facility in my Home. I Own and Live in a Detached Dwelling at 6708 Edsall Road, Springfield VA 22151. The Property is Zoned R - 3and I understand I need to seek Approval of a Special Permit in order to operate a Child Care Facility within my home. I am currently Licensed by the State of Virginia to have Twelve Children in my Child Care Facility in my home. Below is Information about my Child Care Facility's operations:

Hours. The Child Care Is open From 6:00 AM to 6:30 PM Monday/Friday

RECEIVED
Department of Planning & Zoning

MAY 30 2014

Zoning Evaluation Division

Number of Children. I Care for up to Twelve Children at any one time. This number does not include my own Children.

Employees. I have one assistant who works full-Time and Zero Assistant(s) Who Work part-Time.

Arrival Schedule. Six of the Children Arrive Between 6:00 AM and 8:30 AM.

Four Children arrive between 9:00 AM To 10:30 AM. Two Children walk across The street with their parent to the Daycare.

Departure Schedule. Six of the Children are picked up at 2:45 PM & 4:00 PM.

Five of The Children Leave between 4:00 and 6:00 PM. One of my other Children stay until 6:30 PM. (See Attachment 1)

Area Served. Currently most of the Children live in the general vicinity. Two children also live across my street in Edsall Road. Many of the children live in neighborhoods off EDALL PARK.

Operations. As I stated, my house is a single-Family detached dwelling. It has a walk out Basement which is where the Children spend most of their time. I use the Kitchen & Dining area of the house on the top floor for Meals/Snacks. Attached is a floor Plan that indicates the areas where the Day Care is located. The house has 1,334.0' square feet. The following Rooms are where I conduct the Day Care: I use the Basement area & Kitchen up stairs where I cook only. These rooms are approximately 667.0' square feet total.(See Attachment 2 for floor layout and interior photos.)

Hazardous or Toxic Substances. The house & yard are free from Hazardous or Toxic Substances. No Hazardous Materials will be generated, utilized, stored, treated, and/or disposed of onsite.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the Justification for such modification.

Outdoor Play Area. I use my backyard for outdoor play for the Children. The area is approximately 4,560' square feet. The outdoor play area consists of: Set of Toys, Slide, Sand Box, Toy House, Cars & a Wooden Fence Around this area. My Backyard Is used for the Kids daily exercise & Play. (See attachment, floor layout and photos.)

Parking. I use my Garage to park my Family car(s). And that parent of my children from my day care .My Garage and driveway, it provides adequate space to Park & Store 4 Cars. The Garage/Driveway is 70.9' feet long & holds two Cars side by side.

For these reasons, I believe that my proposed home Day Care facility will not impact my Neighbors in any Negative Way. In addition ample Parking is available Along the street on the side & in front of the house to.

In Conclusion, I am proposing no changes to the outside appearance of my brick home I propose no addition and no sign regarding the day care .Adequate parking is available for my parents, employees and my family. For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way .

Sincerely,

Marina Moscoso

Owner of Daycare

Karina Moscoso

6708 Edsall Rd

Springfield VA 22154 Arrival Schedule and Departure Schedule

703) 642-5033

Arrival Schedule

Child	7:00 - 7:45 AM	7:45 - 8:00 AM	8:00 - 8:30 AM	9:00 - 9:15 AM
1	X			
2	X			
3		X		
4		X		
5			X	
6				X
7				X
8				X
9				X
10				X
11				X
12				X

Departure Schedule

Child	2:45 - 4:15 PM	4:15 - 4:30 PM	4:30 - 5:00 PM	5:00 - 5:30 PM
1	X			
2	X			
3		X		
4		X		
5			X	
6				X
7				X
8				X
9				X
10				X
11				X
12				X

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

KARINA MOSCOSO, SP 2009-MA-029 Appl. under Sect(s). 3-303 of the Zoning Ordinance to permit home child care facility. Located at 6708 Edsall Rd. on approx. 15,222 sq. ft. of land zoned R-3. Mason District. Tax Map 71-4 ((5)) (18) 7. Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 28, 2009; and

WHEREAS, the Board has made the following findings of fact:

1. The owner of the property is the applicant.
2. The present zoning is R-3.
3. The area of the lot is 15,222 square feet.
4. Testimony indicated that the County Attorney did reaffirm the affidavit from the standpoint of the applicant, so it is known that the applicant is the owner of the property.
5. This applicant, by right, can have seven (7) children on site.
6. The permit is for ten (10) children.
7. The applicant is licensed by the state for twelve (12) children.
8. Each case stands and falls on its own merits; it is not a precedent. If there are other issues in the neighborhood, then those need to be addressed individually. It is not fair to any applicant to put other issues on any applicant's application. It has to stand or fall by itself.
9. 8-006, 4, states that the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
10. Testimony indicated that there has not been an accident in twelve (12) years. There is a stop light, so people can safely back out.
11. The proposed driveway on Cather Road would be more dangerous, for example, for individuals to back their cars out, particularly if there is no traffic light in that area.
12. The applicant has the required number of parking spaces to conduct the child care facility.
13. Under 8-305, the BZA shall review all existing and/or proposed parking to determine if such parking is sufficient. In the judgment of the Board, it is and complies with the County Ordinance.
14. Under 8-305, the BZA 'may' require, not 'shall' require, the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time, and such parking shall be in addition to the requirement of the dwelling unit. There will be drop-offs that are either one or, perhaps, two at a time. There is plenty of parking on site right now to do that, without going to the expense and the problematic outcome from the standpoint of having actually a second driveway built.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in appropriate sections of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

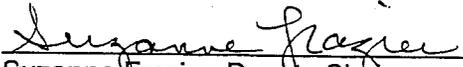
1. This approval is granted to the applicant, Karina Moscoso, only and is not transferable without further action of the Board, and is for the location indicated on the application, 6708 Edsall Road, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Permit (SP) Plat prepared by William E. Ramsey, William E. Ramsey, P.C., April 2, 2009, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum number of children permitted at the home child care facility at any one time shall not exceed ten (10) children, excluding the provider's own children.
5. The maximum hours of operation of the home child care facility shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Friday.
6. The maximum number of employees shall be limited to one (1) on-site at any one time in addition to the applicant.
7. The dwelling that contains the child care facility shall be the primary residence of the applicant.
8. A minimum of four (4) parking spaces shall be provided on site.
9. There shall be no signage associated with the home child care facility.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The number of children shall not be increased above seven (7) until all conditions are met. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Ms. Gibb seconded the motion, which carried by a vote of 7-0.

A Copy Teste:


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals



County of Fairfax, Virginia

MEMORANDUM

Date: September 29, 2016

To: Casey Gresham, Planner I
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care

Applicant: Karina Moscoso
6708 Edsall Road, Springfield, Virginia 22151
Edsall Park, Lot 7, Block 18, Sec 3
Tax Map# 71-4 ((5)) (18) 0007 Zoning District: R-3(Residential 3 DU/AC)
Magisterial District: Mason
Mail Log # 2014-0395
Date of Inspection: September 18, 2014

KEY: A "✓" mark in a box indicates that the item was deficient. An unmarked box indicates that no violation was found.

- Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
** The baby's sleeping area is lacking the required emergency egress. The window sill exceeds the maximum height of 44" (sill height measured @ 51").*
- An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.

** The rear door in the lower level child care area had a keyed deadbolt lock.*

**The stairs exiting the basement home child care has a gate and fencing at the top of the stairs which has a slide bolt mechanism.*

- Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
- Structures comply with the Zoning Ordinance.

VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Karina Moscoso**

6708 Edsall Road

SPRINGFIELD, VA 22151

(703) 642-5033

Facility Type: Family Day HomeLicense Type: One YearExpiration Date: July 6, 2015

Business Hours: 6:00 a.m. - 6:30 p.m.

Monday - Friday

Capacity: 10

Ages: 4 months - 8 years 11 months

Inspector: Anailim Dally
(703) 359-6738

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305 Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.